

REMARKS

The Office Action dated May 20, 2010 has been received and reviewed. This response, submitted along with a Petition for a Two-Month Extension of Time, is directed to that action.

The applicants respectfully request reconsideration in view of the following remarks.

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-4, 7-10, 12, 16 and 20 under 35 U.S.C. §103(a) as obvious over Reeves (US 6,372,126) or Jordan (US 4,338,191) in view of Buchan (US 4,192,763) or Hung (US 5,753,602). The applicants respectfully traverse this rejection.

The present invention is directed to an *automatic dishwashing detergent* dispenser, which must inherently be shaped to fit in an automatic dishwasher. Neither Jordan nor Reeves teach devices even remotely directed to automatic dishwasher detergent dispensers. Jordan is directed to an apparatus for treating fluids from a septic tank (see Abstract), and there is nothing in Jordan's disclosure that would suggest that this device could be scaled down for use in an automatic dishwasher. Similarly, Reeves is directed to a chlorinator for a waste treatment system (a.k.a. a sewage treatment device). Again, nothing in Reeves disclosure suggests scaling the device down to use in an automatic dishwasher.

The Examiner's continued reliance on references directed to sewage and waste water treatment devices suggests that the Examiner has ignored the limitation that the claimed device is an *automatic dishwasher detergent dispensing* device. Although this language appears in the preamble, it clearly represents a structural limitation. Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. See, e.g. *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F2d 1251, 1257, 9 USPQ2d 1962,

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1966 (Fed. Cir. 1989). An automatic dishwasher detergent dispensing device must inherently be shaped to fit inside an automatic dishwasher. The preamble thus limits the structure by inherently limiting the size of the dispenser such that it is capable of being used with an automatic dishwasher.

A skilled artisan would not be motivated to modify Jordan or Reeves to achieve the presently claimed invention because these references are too far afield from the scope of endeavor of the present invention because art directed to sewage and wastewater treatments would not be the starting point for a skilled artisan looking for teachings of automatic dishwasher dispensing devices. Accordingly, the applicants respectfully submit that a *prima facie* case of obviousness cannot be established, and request that the Examiner withdraw this rejection.

The applicants believe the claims are now in condition for allowance, and respectfully request such favorable action. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully requests that this be considered a petition therefore. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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